

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**NEW MEXICO ENVIRONMENT
DEPARTMENT RESOURCE PROTECTION DIVISION,
Complainant,**

v.

No. SWB 20-01(CO)

BL SANTA FE, LLC,

and

**HRV HOTEL PARTNERS, LLC,
Respondents.**

SCHEDULING ORDER

In response to NMED's Motion to Schedule Hearing and Issue Notice of Docketing filed in the Office of Public Facilitation on October 01, 2021, and pursuant to 20.1.5.100(F)(2) and 20.1.5.200(D) NMAC, and the Secretary's appointment of the undersigned Hearing Officer with the duties and powers outlined in 20.1.5 NMAC, and following the November 03, 2021, teleconference attended by all the parties, and being fully advised of the Governor Executive Orders and applicable public health orders, it is hereby directed that:

1. Counsel for Respondent will submit a notice of continued representation on or before November 12, 2021 advising the Hearing Officer whether he will represent Respondents at the public hearing.

2. Respondent's objection on the basis of due process raised at the November 3, 2021 prehearing scheduling conference is overruled based on the following facts:
 - a. Respondent was put on notice of alleged wrongdoing by the Administrative Compliance Order served on or about January 29, 2020.
 - b. On or about March 9, 2020, Respondent filed a joint motion requesting additional time to file a responsive answer and request for hearing. An order was entered granting the joint motion.
 - c. On March 29, 2020, Respondent did file a request for hearing, an answer, and a copy of the ACO.
 - d. Under 20.1.5.200.C.1 NMAC, a hearing shall be held within 90 days of the request.
 - e. The Parties represented to the Hearing Officer that they have been negotiating for the past 18 months, but have not arrived at a settlement agreement.
3. Therefore, the hearing in this matter shall commence on January 5, 2021 at 9:00 a.m., and continue on successive days as necessary.
4. The hearing will be held pursuant to 20.1.5.400 NMAC and take place via the WebEx virtual platform and be transcribed verbatim by a court reporter; the cost of which will be negotiated by the parties.
5. Motion practice will be controlled by 20.1.5.200 NMAC and no party shall submit a prehearing motion or motion in limine after December 1, 2021.

6. The Administrative Record shall be forwarded to the Hearing Clerk no later than the date of the hearing.

**Gregory
Chakalian** Digitally signed by
Gregory Chakalian
Date: 2021.11.04
21:56:43 -06'00'

Gregory Chakalian, Hearing Officer

Certificate of Service

I hereby certify that on November 05, 2021, a copy of the **Scheduling Order** was sent to the persons listed below:

Via Email:

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Madai Corral

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